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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1212 (1998) of 25 November 1998, by which the Council decided to extend the mandate of the United Nations Civilian Police Mission in Haiti (MIPONUH) until 30 November 1999 "in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, ... including mentoring Haitian national police field performance and strengthening the capability of the central directorate of the police force to manage aid provided to it from bilateral and multilateral sources". In that resolution, the Council requested me to report on the implementation of the resolution every three months from the date of its adoption until the expiration of the mandate of MIPONUH.

2. The present report covers the activities of MIPONUH and developments in the mission area since my report of 19 February 1999 (S/1999/181). As requested in paragraph 11 of resolution 1212 (1998), it also contains initial recommendations on a viable transition to other forms of international assistance for the consideration of the Council. These recommendations are based on the continuing consultations of my Representative in Haiti and the Head of MIPONUH, Julian Harston, with the group of the "Friends of the Secretary-General for Haiti", namely, Argentina, Canada, Chile, France, the United States of America and Venezuela, and, most importantly, with the Haitian authorities and the Haitian National Police.

II. POLITICAL SITUATION

3. During the period under review, there were several political developments in Haiti as efforts to reach a solution to the political impasse continued unabated. To this end, President René Préval held talks with the leaders of a coalition of opposition parties - the so-called espace de concertation - as well as with popular, business and labour organizations. My Representative, the Executive Director of the International Civilian Mission in Haiti (MICIVIH), the Resident Representative of the United Nations Development Programme (UNDP), the representatives of the "Friends of Haiti" and former President of Costa Rica

Oscar Arias also endeavoured to establish common ground between all parties concerned.

4. The Organisation du peuple en lutte (OPL) withdrew from the espace de concertation and the talks with President Préval at the end of February 1999 because of differences with the other members of the coalition. Following the assassination of one of its senators, Jean-Yvon Toussaint, on 1 March, OPL ruled out any possibility of returning to the negotiations. OPL continued to denounce President Préval's speech of 11 January, in which he declared that the terms of members of the National Assembly (with the exception of one third of the senators) and all the local authorities had expired, and characterized it as a coup d'état (see S/1999/181, paras. 3 and 4). OPL has so far failed to make its position on its participation in the forthcoming elections completely clear.

5. On 26 February, the Cour de cassation dismissed an action by members of Parliament challenging President Préval's declaration on the expiration of their mandate by deciding that it did not have the legal authority to rule on the dispute between the Parliament and the President. The parliamentarians have brought a further suit against President Préval on the same matter, which is still before the civil court in Port-au-Prince.

6. On 6 March, President Préval and the representatives of the espace de concertation reached agreement on the principles for the establishment of a new provisional electoral council (CEP) and a new government. On 16 March, the President appointed the nine members of CEP, including lawyers, doctors, members of the business sector and a former human rights activist. Four of the nine members belonged to previous provisional electoral councils. The members of CEP, who are charged with organizing new legislative and local elections, were sworn in by the Cour de cassation on 23 March. While some opposition parties challenged the legality of the selection process, the personal integrity of the members has not been seriously questioned.

7. On 25 March, the Prime Minister, Jacques-Edouard Alexis, announced his new Cabinet, composed of 15 ministers and 5 Secretaries of State. In addition to heading the new Administration, Mr. Alexis also holds the portfolio of Minister of Interior. Two key ministers of the previous Government were retained - the Minister for Foreign Affairs and the Minister of Finance. The three Secretaries of State, for Public Security, Youth and Sports and Tourism, were also reappointed. Mr. Alexis has called his Administration "transitional", and has said that its top priority would be the organization of legislative and local elections.

8. The members of the newly appointed CEP have pledged to consult with all political sectors, professional associations and civil society on the promulgation of a new electoral decree (as there is currently no Parliament to enact a law). Since its establishment, they have held talks with a number of political parties. However, Lafanmi Lavalas, former President Aristide's party, and OPL have so far declined to confer with them. It is imperative that this consultative process be undertaken with some urgency to allow for the holding of elections before the end of the year. At this time, there have been indications that the first round of elections will be held in November 1999.

9. Following a request from CEP for technical assistance from the United Nations, a member of the Electoral Assistance Division of the Department of Political Affairs visited Haiti on an electoral assessment mission from 27 to 30 April. As a result of his recommendations, UNDP will provide to CEP a technical team composed of a senior technical adviser and short-term consultants. UNDP will also provide a United Nations Volunteer to each of the 11 provincial electoral offices. The presence of other advisers, namely, an electoral focal point and three additional advisers to CEP in Port-au-Prince, is also under discussion. The ability of the United Nations to deploy electoral advisers and to provide additional electoral assistance to the Haitian Government if requested naturally depends upon the availability of funds from interested donors. CEP has received pledges of financial and logistical support from a number of bilateral and multilateral donors. My Representative has already established two committees, as recommended by the Electoral Assistance Division - a group of ambassadors to monitor the progress of elections and a technical task force to meet on a more regular basis to discuss day-to-day problems during the electoral period.

10. With respect to security, there have been some disquieting developments since my last report, including several demonstrations, blockades, strikes and violent incidents. A number of high-profile murders and attempted murders contributed to a perception of increased insecurity in the country. On 20 April, a member of a popular organization, Jeunesse Pouvoir Populaire, which is aligned with Lafanmi Lavalas, was shot dead, allegedly by police officers. Although the Haitian National Police has denied any involvement in the murder, the killing sparked riots with obvious anti-police overtones in Port-au-Prince over a period of some days. On 22 April, three former OPL deputies took refuge in the Embassy of Chile and subsequently left Haiti. One of them claimed that his house had been shot at and his car had been set on fire. The private sector and a number of organizations in civil society deplored the increase in insecurity and the violent street demonstrations. Some Government leaders have also spoken out publicly against the violence.

11. While individual incidents such as these come under the magnifying glass of a free media in Haiti and reports of both incidents and reactions may be exaggerated, it is clear that the security situation in Haiti has deteriorated - not only in the capital, but also in the provinces. The factors involved include economic desperation and political frustration. The general population is excluded from the formal economic process and feels excluded from the political process. Impunity, the result of a poorly functioning judicial system, means that there is little disincentive to criminal activity. Political manipulation of the situation has made it worse. Insecurity is likely to increase in the period leading up to elections unless responsibility is assumed and effective action and leadership to reduce it is exercised immediately. The unrest in Haiti appears to reflect tensions among the different political forces in the country. While the small fledgling Haitian police service can and will do its best to contain unrest and reduce tension, the main responsibility for easing this tension rests firmly in the hands of Haiti's political leaders, past and present.

III. DEPLOYMENT AND OPERATIONS OF THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

12. It will be recalled that in establishing MIPONUH, the Security Council decided that the Mission would be composed of up to 300 civilian police officers, including a 90-strong special police unit deployed along with the necessary support personnel, to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police. On 12 May, the civilian police element of MIPONUH included 280 officers from 10 countries (see annex).

13. The substantive police element remains deployed at Port-au-Prince and in all nine départements, and the special police unit is based in the capital. The training of the Haitian National Police continues along the lines established at the beginning of the Mission, and, in coordination with the MIPONUH mentoring (accompagnement) programme, remains the cornerstone of the Mission's contribution to the professionalization of the Haitian National Police. MIPONUH continues its close collaboration with the training department (Direction des écoles et de la formation) of the Haitian National Police and other international partners in order to provide uniform training.

14. Civilian police officers have continued to provide the Haitian National Police with training in its day-to-day work, including community policing, crowd control, judiciary-police relations, record-keeping and report-writing. Technical advice is also provided to the leadership of the Haitian National Police at the supervisory level. Civilian police officers continue to be assigned to the offices of the Director-General and the Inspector General. Close links have been developed during the reporting period between the crowd-control unit (Compagnie d'intervention et de maintien de l'ordre) and the United Nations Special Police Unit. As part of its mentoring of the field performance of the Haitian National Police, some 400 police officers are trained by civilian police personnel every week in different aspects of policing.

15. MIPONUH, in cooperation with the Haitian National Police, provided training on border monitoring through the Border Project (Projet bouclier) (see S/1999/181, para. 15). The Director-General of the Haitian National Police has indicated that close monitoring of the country's borders would be a priority during the forthcoming electoral campaign. The five Zodiac boats made available by MIPONUH are still used by the police in its work along the northern and southern coasts. Civilian police officers supervise the Haitian National Police in its use of the boats.

16. The Mission continues to coordinate its activities closely with those of UNDP and bilateral programmes, such as those of Canada, France and the United States of America. It also cooperates closely with MICIVIH in the monitoring of respect for human rights by the police force.

17. As previously reported to the Security Council, on 14 March an MI-8 helicopter carrying 6 members of the Argentine National Gendarmerie, as well as 7 members of the International Charter Incorporated helicopter company, was involved in an accident in which, tragically, all 13 people on board were killed. The helicopter was taking part in an operation to bring a seriously

injured person from Labadie, on the northern coast, to Port-au-Prince. The Government of Haiti is conducting an official investigation into the circumstances of the accident. A United Nations inquiry will follow.

IV. HAITIAN NATIONAL POLICE

18. The demonstrations and violent protests during the reporting period have placed even greater demands than usual on the Haitian National Police, which has performed in a professional manner. Three officers have been killed in the line of duty since February. Despite the additional pressure placed on the young police force, the Haitian National Police has remained politically neutral.

19. In the light of recent disturbances in the country, the Haitian National Police has taken measures to strengthen its community policing. It has increased its patrolling in tense areas of Port-au-Prince and has increased the frequency of meetings with local authorities. It has also begun to hold meetings with popular organizations in this regard.

20. Although the Haitian National Police has made considerable progress, reports of ill-treatment during arrests and interrogations persist. A top priority of the Inspector General remains combating the involvement of police in drug trafficking and other criminal activities. Since January, there have been 116 suspensions and 74 dismissals of police officers for misconduct.

21. The Haitian National Police has been the target of attacks from some political forces in what is believed to be a campaign to destabilize and undermine the police service. On 27 April, a director of Radio Ti Moun, a radio station closely associated with Lafanmi Lavalas, was arrested and accused of possessing defamatory leaflets against the Secretary of State for Public Security. Lafanmi Lavalas condemned his arrest as anti-democratic. He was subsequently released. My Representative has publicly expressed concern about any attempt to erode the political neutrality and effectiveness of the Haitian National Police.

22. President Préval has reappointed the Director-General of the Haitian National Police for another three-year term, which will help to provide continuity in the leadership of the police service. In order to ease tensions in Haiti, it is essential that an end be brought immediately to attempts to destabilize the Haitian National Police by attacking its leadership and, in particular, to the campaign to turn the junior ranks against the senior ranks.

23. A successor has yet to be appointed to the Director of the police judiciaire, who resigned in August 1998. The interim director is working closely with a committee, chaired by the Inspector General, charged with strengthening the police judiciaire. The committee has focused on three main areas for improvement - administration, operations and training.

24. On 4 May, 150 officers of the tenth class of cadets graduated from the National Police Academy. It is a measure of the progress of the Haitian National Police that this was the first group of cadets to have been largely trained by Haitian personnel. MIPONUH, in preparation for its departure, is

encouraging the Haitian National Police, in Port-au-Prince and the provinces, to assume greater responsibility for training its cadre. The Haitian National Police is now some 6,100 strong.

25. It will be recalled that pursuant to Security Council resolution 975 (1995) of 30 January 1995, a United Nations trust fund was established to enable Member States to make voluntary contributions to support the Haitian National Police. In its resolution 1212 (1998), the Council requested all States to contribute to the fund. With the consent of the donors, it is hoped that the balance of the fund (which for the most part was transferred to UNDP for the recruitment and deployment of police advisers to assist the Director-General, Inspector General and département headquarters and to finance the rehabilitation of commissariats throughout the country) can be rolled over to continue to provide support to programmes to contribute to the professionalization of the Haitian National Police, including addressing security issues related to the upcoming election period. I encourage all Member States to consider supporting this crucial aspect of Haitian institution-building through voluntary contributions.

V. JUSTICE SYSTEM

26. Regrettably, as I have noted in previous reports (see S/1999/181, para. 38 and S/1998/1064, para. 31), there has been little progress in the reform of the justice system. Judicial reform has not kept pace with the building of the Haitian National Police. There are major structural weaknesses in the system that undermine the rule of law and civil liberties. The absence of a properly functioning justice system remains the most significant obstacle to the effective protection of the human rights of all Haitians.

27. Camille Leblanc, a former human rights lawyer, was appointed as the new Minister of Justice on 25 March. In a press conference held on 20 April, the Minister of Justice and the Secretary of State for Public Security pledged to improve the administration of justice and public security over the next nine months. However, Mr. Leblanc noted that real judicial reform could not take place without the election of a new Parliament.

28. On 22 April, a ceremony was held to commemorate the fifth anniversary of the 1994 massacre in the Gonaïves neighbourhood of Raboteau. At that ceremony, the Minister of Justice indicated that the preparation of the prosecution's case against the defendants was well advanced and that a date for the trial would be announced within a month.

29. On 2 March, the Director of the Office of Prosecution and Follow-Up (Bureau de poursuites et suivi) issued a report on the activities of his office. According to the report, more than 58 million of the 60 million gourdes provided by the Government of Haiti to assist the victims of the coup d'état have been spent, mainly to finance social assistance programmes and to establish cooperatives and community stores. The Director stressed that his office would continue to provide legal assistance to the victims of the coup d'état.

30. On 1 April, an international consultant sponsored by MICIVIH began a second six-month period working as an administrative and financial consultant to the

office of the Ombudsman. UNDP continues to provide logistical and some financial support to the office. Lack of adequate financing remains the most significant impediment to the office's effective functioning. UNDP has also continued to provide technical assistance to the prison administration and is exploring opportunities to support judicial reform, in consultation with the Haitian authorities.

VI. DEVELOPMENT ACTIVITIES

31. The new Haitian administration has prepared a short-term action programme that focuses on the holding of free and fair elections on the one hand and on the immediate needs of the poorest parts of the population on the other. Given the difficult budgetary situation following the political and institutional crisis of the last two years, the Government would have to rely on the availability of funds from donors in order to move forward with the plan. However, the difficulty faced at present by most donors in formulating new programmes will certainly make the realization of the Government's aims problematic. Discussions are currently under way with donors to find a solution to this problem.

32. United Nations agencies have made significant progress in their individual activities while at the same time maintaining their common efforts. At a meeting chaired by the Resident Coordinator of the United Nations system (who is also the Deputy Representative of the Secretary-General), it was agreed to further consolidate this work in preparation for a common country assessment. This is a key step under the Secretary-General's reform programme for the creation of a United Nations Development Assistance Framework. This exercise will be undertaken in close cooperation with the Government of Haiti and representatives of the donor community. It will also complement the World Bank's country development framework. It is expected that the common country assessment will be completed by the end of the year. The United Nations agencies will thus have the elements to define a long-term development assistance programme for Haiti and to harmonize their interventions. Regular meetings of the United Nations Disaster Management Team have also been held in order to prepare for the hurricane season. This year, activity by the United Nations system in this area will benefit from a new financial and technical assistance project funded by UNDP that, in coordination with the Office for the Coordination of Humanitarian Affairs, would put into place a programme to reinforce the capacity of the Haitian authorities to prevent and manage disasters.

33. During the reporting period and in the framework of the rationalization of its programme in Haiti and the launching of its new programme of cooperation, UNDP has finalized four preparatory projects in the areas of governance, protection of the environment, productive employment and the prevention and management of disasters. UNDP, together with the United Nations Capital Development Fund, plans to finance an ambitious project to support local governance and to protect the environment in the north-eastern <u>département</u>.

34. Among the numerous other activities of the United Nations system during February and March, the following were noteworthy: the organization by the

United Nations Population Fund (UNFPA), representing the Joint United Nations Programme on HIV/AIDS (UNAIDS), of a visit by UNAIDS Geneva and the launching of a programme funded by UNAIDS that focuses on the transmission of the disease from mother to child; the launching by the United Nations Children's Fund (UNICEF) of a national programme for salt iodization; the signature of an important agreement between the Haitian Government and the Food and Agriculture Organization of the United Nations to promote sustainable agriculture and soil and water conservation in mountain areas; the launching in January by the World Food Programme of its school canteen project, which is expected to benefit 120,000 children; the formation of a working group on maternal mortality by the World Health Organization/Pan-American Health Organization, UNFPA and UNICEF to provide support to the Ministry of Public Health on this issue; and the organization by the United Nations Educational, Scientific and Cultural Organization (UNESCO) of the third mixed commission Haiti-UNESCO, which enabled the two parties to take stock of existing cooperation and to study new programmes, while at the same time mobilizing the international community on the urgent question of education in Haiti.

VII. OBSERVATIONS

35. The steps taken towards resolving the protracted and destructive political crisis that had left Haiti without a Prime Minister or a functioning Government for 21 months are encouraging. It is now essential that all relevant political actors in Haiti participate constructively in the electoral process so as to ensure that the upcoming elections are fair, transparent and credible. It is the responsibility of all Haitian political leaders to work together to ensure that these elections will be a success. By definition, this requires that the electoral process be kept free of violence. I hope that the country's political leaders will preserve the spirit of compromise that led to the end of the political stalemate and that the period leading to elections will be inclusive, seeking to involve all Haitians in the process.

36. CEP will face a number of challenges in organizing the parliamentary and local elections before the end of 1999. A sustained effort by Haitian political leaders is essential to overcoming these challenges. In the absence of a functioning Parliament, it is of the utmost importance that an electoral decree be issued and the election dates be announced without delay. International technical, material and logistical support for CEP is also vital for the credibility and transparency of the electoral process, and I call upon interested Member States to provide support. A positive response to the request from the Haitian Government for electoral advisers to CEP is required in order to facilitate the electoral process.

37. In view of the likely increase in security concerns in the period leading to the legislative and local elections, the Haitian Government has requested assistance from the United Nations and the international community to assist the Haitian National Police to ensure a secure environment during the election period. The Director-General of the Haitian National Police submitted a report for this purpose and indicated that assistance would be required in five main areas: communications, logistics, infrastructure, computers and matériel. As noted above, a secure and stable environment is a precondition for a free and

fair electoral campaign. It is essential, therefore, that the Haitian National Police continue to receive international support during this critical period from interested Member States.

38. Furthermore, concern has been expressed in some quarters that withdrawing MIPONUH during the election period might undermine security at a particularly sensitive moment.

39. In its resolution 1212 (1998), the Security Council requested me to present recommendations on a viable transition to other forms of international assistance. It is my firm belief that the Government of Haiti itself must prepare to assume full responsibility for the further strengthening and effective functioning of the Haitian National Police. In consultation with my Representative, the Haitian National Police is developing a two-year technical assistance programme designed to provide the fledgling police service with the expertise to carry out training and institution-building and to ensure the necessary continuity to the efforts of MIPONUH following the termination of the Mission. The programme currently under way foresees the recruitment of international police advisers to work not only in Port-au-Prince, but also in all nine départements. The preparation of the programme is being undertaken in consultation with UNDP and interested bilateral donors involved in the training and professionalization of the Haitian National Police, including the International Criminal Investigative Training Assistance Programme of the United States, the Canadian International Development Agency-Royal Canadian Mounted Police and the French bilateral programme.

40. With this preparation, the Haitian National Police should be able to take advantage of the aid which, I hope, will continue to be offered by multilateral and bilateral donors. Resolution 1999/4 adopted by the Economic and Social Council on 7 May, seeks to develop, in consultation with the Government of Haiti, a long-term programme of support to the country. It is hoped that this would complement the gains made over the last year in the coordination of the work of the United Nations system in Haiti, as envisaged in my reform programme. I am confident that, prior to the expiration of the MIPONUH mandate, my Representative and the Resident Representative of UNDP will be able to contribute to the creation of a coordinating mechanism for international assistance to the Haitian National Police that will satisfy donors and enable the international community to monitor the considerable investment made in this young institution over the past four years. The continued efforts of the "Friends of Haiti", both in Port-au-Prince and in New York, along with other leading bilateral and multilateral donors, will be essential for the establishment of an appropriate mechanism to bring together security and development.

41. In my next report on MIPONUH, in August, I intend to provide a detailed account of the progress made in developing a sustainable programme of support for the Haitian National Police within the wider framework of international support for Haiti. Clearly, the position of the Government of Haiti will determine the nature of any such framework.

42. Much progress has been made in building a reliable and professional police service in Haiti. However, it must be remembered that the effectiveness of a

police service depends not only upon its technical capacity, but also upon the political and social climate within which it operates.

43. The reform of the justice system, which should complement the institutional development of the Haitian National Police, has been impeded by a lack of political will. I urge the Haitian authorities to take concrete measures in the area of judicial reform and to take full advantage of the international assistance that has been provided in this regard.

44. I take this opportunity to recognize the important assistance that the programmes of Canada, France and the United States have provided to the Haitian National Police. Their continued efforts will be needed after the withdrawal of MIPONUH.

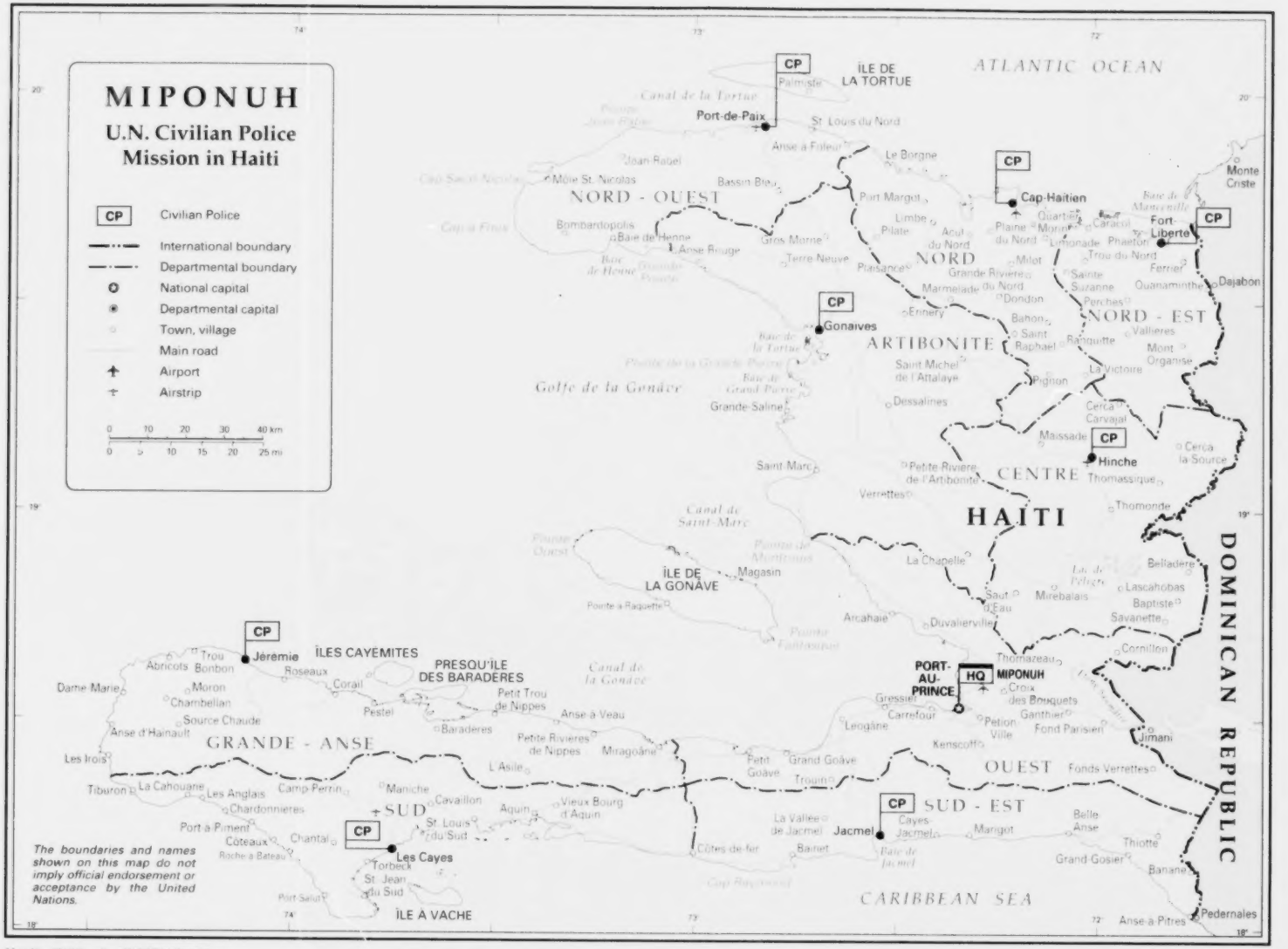
45. I would like to commend my Representative and Head of MIPONUH, Mr. Harston, and the Police Commissioner, Colonel Grudé, as well as the international and local staff under their command, for their continued efforts in support of United Nations activities in Haiti.

46. In conclusion, I would like to pay tribute to the courage and bravery of the 13 men who perished in the helicopter accident of 14 March 1999. They made the ultimate sacrifice while serving the cause of peace.

Annex

Composition of the United Nations Civilian Police Mission in Haiti as at 12 May 1999

Country	Special police unit	Civilian police
Argentina	133	5
Benin		9
Canada		24
France		36
India		-
Mali		20
Niger		5
Pakistan		-
Senegal		8
Togo		7
Tunisia		3
United States of America		30
Subtotal	133	147
Total	280	



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